IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2735 OF 2007

Babaji Maruti Patekar .. Applicant

vs

The State of Maharashtra .. Respondent

Mr.K.S.Patil for Applicant

Mr.Rajesh More A.P.P. for Respondent

CORAM : V.C.DAGA, J

DATED : 31ST AUGUST, 2007

P.C.

1. Heard learned counsel for the applicant and the learned A.P.P.

2. The applicant is seeking bail in Crime No.92/2006 registered at Khopoli police station for offences under sections 376, 506 IPC. From the FIR, it is clear that the applicant was a guest staying in the family of the prosecutrix. He was sleeping in the house next to her father on one side and on the other side of her father prosecutrix was sleeping. In other words, all these persons were sleeping in one room next to each other. Prosecutrix claims to have been threatened by the applicant when her father was sleeping next to her. In this view of the situation, there is remote possibility of the present applicant committing the offence alleged. Situation described clearly throws a shadow of doubt and strong suspicion about the genuineness of the complaint.

3. In the aforesaid view of the matter, I am inclined to grant to the applicant in the sum of Rs.25,000/- on the following conditions.

(a) The applicant arrested in connection with C.R.No.92/2006 registered with the Khopoli police station shall be enlarged on bail in the sum of Rs.25,000/- with one or two local sureties to make up the said amount.

(b) The applicant shall report to Khopoli police station once in a week i.e. on every Monday between 3.00 to 5.00p.m. till conclusion of the trial.

(c) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the investigating officer.

(d) The applicant shall not directly or indirectly make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) The applicant shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

(f) Any observations made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

Application stands disposed of accordingly.

JUDGE